

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERICAN HONDA MOTOR CO., INC.,

Plaintiff,

No. C 06-04752 JSW

v.

THE COAST DISTRIBUTION SYSTEM,
INC.,

Defendant.

**ORDER RE DISCOVERY
DISPUTE AND ORDER OF
REFERENCE FOR SUPERVISION
OF DISCOVERY**

This matter comes before the Court upon the joint letter brief submitted by the parties dated February 1, 2007, regarding a discovery dispute. The essence of this dispute is whether the Court should postpone discovery in this action. Defendant The Coast Distribution System, Inc. ("Coast") asks that the Court postpone discovery until this Court has resolved its motion to stay, in which it seeks to stay this entire action in favor of proceedings currently pending before the International Trade Commission ("the ITC proceeding"). The ITC proceeding was initiated by Plaintiff American Honda Motor Co., Inc. ("Honda") against Coast's supplier Wuxi Kipor Power Co., Ltd. ("Kipor"), and involves two of the five patents at issue in this suit and may involve some of the same accused products. Coast argues that much of the discovery propounded now may become irrelevant if the action is stayed in favor of the ITC proceeding. Coast's counsel also represents Kipor in the ITC proceeding.


Honda urges the Court to allow discovery to proceed, and argues that Coast is not a party to the ITC proceeding and, thus, has not been burdened by discovery propounded to Kipor in that proceeding.

1 The Court has considered the parties arguments and DENIES Coast's request to
2 postpone discovery until it has resolved the motion to stay. If either party believes the other
3 party is abusing the discovery process, or is serving duplicative discovery, they have remedies
4 available to them in the interim. Nothing in this Order should be construed as setting forth the
5 Court's views on the merits of the pending motion to stay.

6 By this Order and pursuant to Local Rule 72-1, the Court refers this matter to a
7 randomly assigned Magistrate Judge to supervise discovery and to resolve all future discovery
8 disputes.

9 **IT IS SO ORDERED.**

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11 Dated: February 5, 2007


12 JEFFREY S. WHITE
13 UNITED STATES DISTRICT JUDGE

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